

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

WILLIAM WILEY, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:14-cv-10974

W.V. HOUSE OF DELEGATES, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Plaintiffs’ pro se Complaint—a putative class action filed on behalf of 61 inmates at the Huttonsville Correctional Center in Huttonsville, West Virginia. (ECF No. 1.) Also pending is an Application to Proceed Without Prepayment of Fees and Costs filed by Plaintiff Patrick Collins (“IFP Application”). (ECF No. 2.) The Complaint principally challenges the constitutionality of the West Virginia Sex Offender Registration Act, § 15-21-1 *et seq.* By Standing Order filed in this case on February 28, 2014, this action was referred to United States Magistrate Judge Dwane L. Tinsley on for submission of proposed findings and a recommendation (“PF&R”). (ECF No. 4.) Magistrate Judge Tinsley filed his PF&R on January 30, 2017, (ECF No. 9), recommending that this Court dismiss the Complaint for failure to state a claim upon which relief can be granted and deny Plaintiff Collins’ IFP Application.

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file

timely objections constitutes a waiver of de novo review and a party's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). In addition, this Court need not conduct a de novo review when a party "makes general and conclusory objections that do not direct the Court to a specific error in the magistrate's proposed findings and recommendations." *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).


Objections to the PF&R in this case were due on February 16, 2017. To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 9), **DISMISSES** the Complaint, (ECF No. 1), **DENIES** Plaintiff Patrick Collins' IFP Application, (ECF No. 2), and **DIRECTS** the Clerk to remove this case from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 17, 2017



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE